IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 7499 of 2007(P)

PETITIONER:

A.JAMALUDEEN, PARAVILA VEEDU,
RRVHS JUNCTION, KILIMANOOR P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.C.R.SIVAKUMAR
SMT.G.VIDYA

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY
THE SECRETARY, DEPARTMENT OF CO-OPERATION,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE REGISTRAR OF CO-OPERATIVE SOCIEITIES
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

3. THE SECRETARY,
THE KILIMANOOR CO-OPERATIVE AGRICULTURAL AND
RURAL DEVELOPMENT BANK LTD. NO.T316,
KILIMANOOR, THIRUVANANTHAPURAM DISTRICT.

4. THE SPECIAL SALE OFFICER,
THE KILIMANOOR CO-OPERATIVE AGRICULTURAL AND
RURAL DEVELOPMENT BANK LTD. NO.T316,
KILIMANOOR, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.NAGARAJ NARAYANAN
ADV.SHRI,P.K.RAVIKRISHNAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 7499/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE PASSBOOK IN LOAN NO. SRTO NO.21/94.

P2 : COPY OF THE PAPER PUBLICATION DATED 24/02/2007.

P3 : COPY OF THE REPRESENTATION DATED 28/02/2006.

P4 : COPY OF THE CIRCULAR NO. 27/06 DATED 29/6/2006.

P5 : COPY OF DEMAND DRAFT

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 7499 of 2007

Dated, this the 9th day of April, 2007

J U D G M E N T

Heard the learned counsel for the petitioner and the learned counsel appearing for 3rd respondent.

2. Even though this Court granted conditional stay on 06/03/2007, petitioner has paid only Rs. 40,000/- instead of Rs. 75,000/-. However, learned counsel pointed out that besides Rs. 40,000/-, petitioner had paid Rs. 4,63,000/- previously. In the circumstance, I feel petitioner can be granted another three months time to settle the liability failing which, Bank is free to proceed for sale of petitioner's property. This WP(C) is accordingly disposed of granting time till 10th July 2007 to the petitioner to settle the balance liability. However, if payment is not made by 10th July 2007, respondents are free to proceed for recovering balance liability. Detailed statement of charges and interest debited and credits for payments made should be given to the petitioner within 10 days from the date of production of a copy of this judgment to arrange for settling liability. Petitioner is also free to negotiate for

sale of the mortgaged property in full or part thereof and can enter into agreement for sale. However sale deed will be executed only after making payment either by the petitioner or by the buyer arranged by the petitioner under agreement executed and after Bank releases title deed.

This WP(C) is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg